THE

INTRODUCTORY ADDRESS

DELIVERED BEFORE

THE LAW ACADEMY

Of Philadelphia,

AT THE OPENING OF THE SESSION OF 1849-50.

ON THE 19th SEPTEMBER,

BY

WILLIAM A. PORTER,

ONE OF THE VICE-PROVOSTS OF THE ACADEMY.

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PHILADA., SEPT. 27th, 1849.

DEAR SIR:

On behalf of the members of the Law Academy, we return our sincere thanks for the able and interesting Introductory Address, delivered before them on the 19th inst., and request a copy of you for publication. The Academy is induced to ask that publicity may be given to your Address, not only from a consciousness of its value to them, as a rule of professional conduct, but as being an eloquent defence before the public of professional honour and integrity.

Very respectfully, your obedient servants,

DAVID S. TRIMNEL,
A. J. FISH,
GEORGE HARDING,
} *Committee.*

WILLIAM A. PORTER, Esq.

Gentlemen of the Law Academy :—

It is reasonable that we should feel some attachment to our profession. An object of anxiety and toil, if it possess any merit, easily engages the affections. The commonest rewards of success are fitted to stimulate the growth of such a sentiment. Professional labour, rightly pursued, supplies the wants of many, enlarges the usefulness of others, and promotes the happiness of all. In his books, the professional man finds friends who do not repel him with coldness, do not betray his confidence, do not weary of importunity; who cheer him in his labors, who instruct him in his duty, and strew about him the treasures of knowledge with liberal hand. His clients necessarily supply him with a variety and accuracy of information pertaining to their respective pursuits, which another will find it impracticable to obtain; and thus provide the means of illustration for public argument, and of instruction for those to whom nature has made him the chief dispenser of knowledge. To his opponents, he stands indebted for that quickness of apprehension and promptness of action which constitute his chief efficiency, and not less, for their readiness to bear testimony to whatever is elevated in purpose, or brilliant in achievement.

But the reasonableness of the sentiment must

depend on the dignity of its object. I propose, on this occasion, to consider some of the views popularly entertained of the profession of the law, and to exhibit, incidentally, some portion of its title to public confidence. My aim is practical. I know nothing better fitted to chill the ardor of a generous mind, first entering on the practice of the profession, than a suspicion that, in order to achieve entire success, something may be required, which a sound reason, or a pure morality, must disapprove. My aim is still more practical. Success itself is dependent, to a large extent, on an elevated estimate of the profession. Preparation for practice, labor in conducting it, and patience in discomfiture, are large draughts on human nature. That they can be met under a consciousness, that when the highest result shall be attained, it must necessarily fall below that of other pursuits, cannot be reasonably expected.

I will suppose a man of sound understanding, desirous to acquire information on the subject which has been proposed. I will suppose him elevated above the superstition which would cause learning to be feared, and the prejudice which would cause it to be despised. I will suppose him competent to appreciate the difference in value between intellectual and purely physical labor. I will suppose him to have informed himself, how long our present system of law has prevailed, without material change, except to expand itself to the increasing wants of civilization, and the progress of kindred sciences.

If such a man were to require a lawyer to declare to him the objects which the law professes to accomplish, he would probably be told: It secures you in the possession of your house; it enables you to hold the acquisitions of your industry; it prevents your neighbour, not only from seizing your property, but from using his own in such a manner as to injure yours; it assists you to buy, to sell, and to get gain, by providing that the smallest appreciable fraud shall, under all circumstances, infect with fatal taint, whatever it may touch; if, in the transaction of your affairs, you employ a clerk or an agent, it binds him to the utmost use of his skill and integrity; if any one fraudulently misrepresent the character of a purchaser it places the former in the position of the latter; if any one injure your business by misrepresentation, or character, by the imputation of crime, it furnishes the only means of redress and prevention. — He would, probably, go further, and declare, that it affords a remedy, for every injury that may be inflicted; that not a duty in domestic life, whether necessary for existence, as maintenance, or fitted to embellish, as intellectual culture, but receives its care; that no human condition exists too exalted for its power, or too degraded for its protection; that it alike binds down the king and the commonwealth, and protects the meanest of its own assailants from punishment, except by its own hands; that, in innumerable instances, it consummates over the victims of vice and disease, those stupendous plans to which the hand of charity finds itself unequal; that it

adapts its especial solicitude to the protection of the persons and property of those, who by age, natural incapacity, or the want of other protection, present the strongest claim on its care; that, when accident or negligence has rendered it necessary, it directs the transmission of property after the death of the possessor, oftentimes, with a more exact propriety than he would have displayed. A bolder tone might be employed:—The speaker might challenge his interrogator to mention a settled law of nature which the municipal law contravenes; a social duty which it does not aim to enforce; a wrong to society, down to gaming, borrowing money to game, or intemperance, which it does not aim to repress. If he doubted, let him attempt enforcing the performance of a contract which has the violation of a moral duty for its support. The challenge might be extended to the production of a principle, binding to the utterance of truth, nay, forbidding the suppression of truth, which it does not practically adopt. If he doubted, let his ship be insured, and an important fact suppressed, or his horse sold, and a false warranty given, and he would be in the highroad to discovery. In fine, an offer might be reiterated, in the spirit of that memorable eulogy, which has never been found overwrought,—a good lawyer can show to be law what any other man can prove to be right.

We can anticipate the rejoinder. If it embodied the popular idea, it would probably be conveyed thus: "Your profession has failed to accomplish its proper object. Judges and lawyers, yielding to the natural tendency of intellectual pursuits to subtlety,

have been carried into unnecessary refinement. The result is, that justice is sacrificed to form, and to the policy of sustaining pre-established rules."

Before discussing the question thus presented, the truth of the following propositions must be assumed: 1. The profession is necessary. So long as the law is the only barrier against force, it will be necessary that a class of men should be exclusively devoted to the study of its principles. This is as much required as the division of labour in any department of science or art—as much, as that one set of artizans should be employed in making the hull, a second the engine, and a third the rigging, and not the same set in constructing an entire steamship. 2. It is the interest of those chiefly instrumental in perpetuating the profession of the law to perfect it. To debase it, is to destroy it. The point of its highest elevation, is that at which it yields the largest reward of honor and emolument. Conduct on the part of its practitioners, fitted to depress it below this point, pre-supposes a spirit of self-sacrifice, to which natural diffidence, or some other cause, has heretofore prevented them from making claim. In other words, to suppose a body of men, whose highest profit it is to elevate their occupation, capable of degrading it, when it is conceded they have the ability to perceive their true interest, is contrary to our experience of human nature. 3. So extensive a science as the law, and the mode of its reduction to practice, cannot be accurately estimated in a moment. A criticism on the most inconsiderable work of art would possess little value in the eyes of men of taste, if the

author were candid enough to avow that he had examined it but infrequently, at short intervals, and at a great distance from the object. The testimony of the humblest artisan, who had left upon it the evidence of his labour, would, to a discriminating mind, carry superior force. 4. That which is difficult of comprehension, should not be branded as subtle and useless. Many of our most familiar ideas are those which, in their acquisition, caused most perplexity and confusion. It would be easy, by going back but a short distance, to refer, in illustration, to many a well-remembered mathematical problem,—but I have no right to excite such unpleasant emotions. The recollections of that, and the results of more general experience, should render men cautious in condemning that which they have failed to possess, the inclination or opportunity of thoroughly understanding.

It is necessary to ascertain the scope of the view which I have supposed to be expressed. I do not understand it a ground of objection, that the truth and utility of legal principles are not, in every instance, obvious even to a clear mind. That would embrace a wide circle, both of the principles of science, and the works of art,—the productions of reason and imagination. It would blot out a large part of metaphysical philosophy. It would pass censure on most of the liberal arts. It would lose us the best passages in poetry.—I do not even understand it objected, that many of the legal rules, pursued and insisted on, are purely arbitrary in their character, and commended over others, by no

sound reason, except, in some instances, a supposition, perhaps a mistaken one, of their convenience,—such as the distinct forms of action required for slightly different injuries. These are quite as reasonable as the rules which regulate the quantity of verse, or the number of acts in a play. A volume before me, shall suggest illustrations of what is meant. Suit is instituted for a sum of money due more than six years; the defendant admits he contracted the debt; does not allege its payment; has the means to pay it; but the law does not compel him. In filing the copy of a promissory note, an unimportant word is omitted; the supposed copy is held a nullity; judgment cannot be rendered for the plaintiff; a less meritorious creditor steps in, and the former loses the debt. An action is brought for the amount of a tradesman's bill; the plaintiff's receipt in full is offered in evidence; he knows the instrument to be genuine; his name has been written but seldom; no mode of proving it exists, and the law assists him to recover money which has once been paid. The deposition of a witness now dead is offered in evidence; no doubt exists as to the truth or pertinency of the statement; but it appears that the oath was not administered, until after a portion of the testimony had been committed to writing; the deposition is excluded, and no other proof of the fact can be obtained. Counsel are satisfied that a witness has testified falsely; on the subject matter of the suit, he commits no blunder; ask him a question collateral to that, and he falls into wilful error; offer to prove the falsity of his last answer, and

thence to infer that of his entire testimony, and you are overruled; the witness is believed, and the cause is lost. You have bought a house, and obtained possession; an erasure is detected in a material part of the deed, of which no note was made before execution; the instrument, without other proof, passes for nothing. Suit arises in relation to the performance of an article of agreement; an offer is made to show that, when the paper was signed, a verbal agreement on a particular point was entered into by the parties; the court say, we do not find it in the instrument; and the wrong once more triumphs. To go further, would be to cite a volume of reports. Do you call this the administration of justice? Is this what you mean by enforcing the principles of morality? Is this all your profession has been able to do, after some centuries of effort, to provide for the honest settlement of human controversy?

Let us not be precipitate. A competent Judge, before pronouncing a decision, would desire to "hear from the other side." A bill of merchandize is bought and paid for; after the death of the parties acquainted with the transaction, suit for the price is brought against the buyer's executors; the receipt, if taken, has been mislayed; what injustice in allowing the seller a long term of years for the assertion of his claim, or what reason in granting him more than the lifetime of every party then living, in which to make it? In filing a copy of a promissory note, what justice, what advantage to my credit, or what encouragement to general accuracy, to allow a plaintiff to write *one month*, for *one year*, or *one*

thousand, for *one hundred*, dollars? What security to my property, if the man who desired to effect it by my signature, were relieved, in any instance, from the necessity of proving it? What advantage in clothing a Justice of the Peace with power to determine in what part of a deposition a witness shall testify under oath, and in what without it? If the answer to a collateral question might be contradicted by other testimony, how stop short of determining the affairs of a neighbourhood, in the same cause, and without the knowledge of those most affected by it; or how probable that a just opinion would be formed by the jury of the facts they were called to try? If a party were permitted to sustain his cause by an instrument in which an erasure appeared, what safety to any one in executing a written paper? If a written agreement deliberately entered into shall not control the subject, what utility in committing it to writing, or what refuge from the ignorance, caprice, or dishonesty of casual bystanders?

The principle is obvious. If I submit to the law, and assume my proportion of the burden of maintaining it, in consideration of its protection, so long as I perform the stipulation on my part, I have a right to its absolute protection,—how much soever others may suffer from ignorance or disregard of the forms which are essential to my safety. And the principle is equally sound in reason and morals. If I enter into the simplest contract with any one, he is bound, without regard to the convenience of others, to protect me from the injury which would result from his failure of performance.

But, are not the objections which presume unnecessary strictness of form, generally overstated, in point of fact? Take, for example, the most abused of all subjects in this respect, Special Pleading. What are its leading rules? That the plea contain pertinent matter; that an immaterial point be not denied; that it be free from duplicity of idea and phraseology; that when time, place, quality, quantity, and value are introduced, they should be specified with convenient certainty; that it should not contain one statement repugnant to another; that unnecessary averments should be avoided, &c. If we leave out the idea of ornament, what are these but tolerable guides for writing English? Could an essay in the Spectator, have been written in disregard of them?—Nor ought the idea of ornament to be allowed too much dominion. However the speeches of Burke, or the sermons of Robert Hall, might lead us to regard it as necessary, Butler and Edwards, not to mention our most distinguished legal writers, have shown it by no means essential, even to agreeable writing.

Take the subject of Evidence, in which fraud must be allowed most practicable, and the inducement to prevent it strongest. Is there unnecessary rigor here? That a witness shall state fact and not inference; that he shall state that only which is relevant to the issue; that he shall speak from his own knowledge, and not from the knowledge of others; that he shall not be so interrogated as to indicate the desired answer; that the best evidence which appears to exist shall be first offered, and no other, until the production of the former shall be proved

impossible; that the burden of proof shall rest on the party who makes the allegation; the superiority of written over oral testimony; the value set on the admissions of a party, and their exclusion, when procured by the presentation of wrong motives; the judicial notice taken, without the necessity of proof, of that wide range of facts, in which the danger of fraud is small; the various modifications of the principle, that a man's own act or declaration shall not be received in evidence in his own favour; what are these, and other rules of evidence, but dictates of the soundest common sense? Let it first be shown, that an honest man shall not suffer by their relaxation, before it be concluded, that science has been pushed too far in their construction.

If we consider the distinctions drawn between the law and the fact, and the distribution of powers made between the court and jury, we shall discover as little for the disapprobation of reason. Strong advocates of a change of the present system have usually been found (and perhaps will continue to be) among counsel for plaintiffs, when verdicts have gone for defendants, and contrariwise. That the action of the jury is too frequently the result of ignorance or caprice must be conceded; but the system comes to us commended by too high an antiquity, constitutes too vital a part of Anglo-Saxon liberty, and possesses too many advantages, to admit the possibility of essential change. Its chief excellence is easily discernible,—it presents no mark for popular violence. Judges may shield themselves behind the doings of their predecessors, but a permanent body for the

determination of facts, would poorly withstand the discontent which it would provoke. The instant of the rendition of a verdict is that of the dispersion of the tribunal,—never again to be convoked. Twelve separate riots, in as many different portions of the county, would afford ample time to the most cautious and deliberate Sheriff for contriving a mode of prevention.

It is time that we consider the conduct of the cause in court,—which will bring up for examination questions of a different character. By what rules shall the advocate regulate his conduct? Do your professional ethics approve such principles as the following: "that an advocate, by the sacred duty which he owes his client, knows, in the discharge of that office, but one person in the world: that client, and none other. To save that client by all expedient means,—to protect that client at all hazards and costs to all others, and among others to himself,—is the highest and most unquestioned of his duties; and he must not regard the alarm—the suffering—the torment—the destruction, which he may bring upon any other."* Are these the approved maxims of your craft? When such a course may benefit the client, shall he not spare a witness who has no reply to his attack? Shall he not know his professional brother, who has a reputation to preserve? Has the opposite party no rights to be regarded? Is no respect due to the court,—no fairness to the jury,—

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* Lord Brougham's Speech in the Queen's case.

nothing to his own personal character,—nothing to his profession,—nothing to public virtue? Such doctrines, it may well be supposed, would require more than the authority of a great name to secure their adoption. A common result to the cause, the advocate and the profession would expose, if not their fallacy, at least their impracticability. It is a more just sentiment, that he who possesses power of any kind, holds it as a trustee for others,—and the office of the advocate furnishes no exception to the rule.

A question of some interest presents itself at this point. Can a lawyer, in every case, act honestly and conscientiously? Must not one side be right and the other wrong, and are not the chances abundantly in favour of his knowing when he is in the wrong? The late Judge Hopkinson, in the place I now occupy, more than twenty years ago, presented an answer to this question. The conclusion at which he arrived may be reached by a somewhat different process. The nature of the cases litigated in courts of justice is not generally apprehended. I do not speak of those instances, in which time for the payment of money is desired by a defendant, where judgment is taken by default, and the legal proceedings are matter of form; nor of those which result from inexperience or error,—commonly atoned for in so ample a manner, as to prevent their recurrence with the same practitioner. I refer to cases usually tried in court,—in the vast majority of which the soundest understanding might be challenged to pronounce a judgment satisfactory even to itself. To

illustrate this by practical examples, would be to cite an entire trial-list. To those familiar with the proceedings of courts, the remark will commend itself. With all the evidence before him, it is sufficiently hard for any man—as those who have served as jurymen could attest—to ascertain the truth. How shall he, when he cannot, by any art, know more than that which bears on one side?—When the advocate comes to the trial of the cause, what is he to do? To state his client's position with clearness; to marshal the facts which support it, in the most effective order; to elicit the truth from an opposing witness, or to disconcert an unfair one; to ascertain the relative weight of conflicting statements; to present the proper inferences from the entire testimony; and to apply to the solution of the facts, the established principles of law. Were that not a most fastidious morality which should proscribe such an employment?

Is this a sketch from real life, or the product of imagination? Do you tell us, that such ideas find any realization in the actual practice of the profession? Are the duties which the position of an advocate imposes ever thus discharged, or the rights which it confers ever thus exercised? What is this but a stale reflection on human nature? What duties are ever perfectly discharged, or rights properly exercised? Are not all our tastes and appetites abused? Is not every privilege, personal, social, and political, at one time or other, abused? Is not every faculty, physical, moral, and intellectual, with which nature has endowed us, at one time or other, misemployed? In the

case of the lawyer, observe how vastly superior to that of most others is his opportunity to do wrong,—yet how many breaches of faith are heard of? Observe, also, how generally his worst errors are on the side of duty. What is personal friendship, or political connection, or the social position of a witness, when he shows himself prejudiced or unwilling? Doubtless, disaster is thus frequently brought on the cause; but what other principal has reason to complain of his agent doing too much?

The ground on which an opposite view of the legal character rests is unsolid. The true question is, whether an eminently successful lawyer may be a purely just man? If this be established, I am not aware that what any other man may choose to do, and in order to relieve himself lay to the charge of his profession, would affect the logical accuracy of the statement. Is it so, or is it not? Where shall we look for the proof of it? Unhappily, gentlemen, the seal of death hath, within a few days, been set to a fact, which, more than all the power of words, attests the truth of the proposition. I do not desire to trench on the prerogative of his contemporaries, nor to anticipate the voice of the religious teacher, but it would be unseemly, at such a time, on such a subject, and in the midst of many who enjoyed his friendship and instruction, to omit to declare how large a debt the profession of the law owes to CHAUNCEY and his associates, for the character for integrity with which they impressed it. He assisted to bind together the ideas "lawyer" and "honest man," in a union which, we

may hope, shall long remain unbroken. His life while it convinced the understanding, like the result of the clearest problem, did more than that,—it shot the truth into the heart both of lawyer and layman, that the highest professional elevation, so far from requiring the sacrifice of moral principle, may repose on it with additional dignity. He did more; he practically showed, that the same man may discharge the severest professional duties with the most scrupulous exactness, and at the same time do much in diffusing about him the charities of life, in consoling misfortune, alleviating distress, and reducing the sum of human misery. To secure so large a business,—to attract the merchant, the shipper, the owner of real estate, the mechanic, the day-labourer, the trustee and the executor, and to convince them by experience that they could obtain no more valuable services elsewhere required distinguished ability; natural evenness of temper and cordiality of manner, were useful in facilitating business intercourse; but what proportion would remain of that vast structure which he has reared for our contemplation, if we were obliged to make deductions for infidelity to engagements, inconstancy in friendship, or the general absence of virtue? I indulge in no unnecessary encomium; I merely adduce a witness. The fame of Chauncey is safe where it now rests: in the results of his active benevolence, in the principles he assisted to establish, in the memory of the friends whom he counselled, in the hands of those numerous students of the law, who received from him their first instruction in the science, and have since attained important positions in society.

The youthful artist will seldom study without profit the great picture which his life presents.*

I return to the general subject; and proceed to consider the decision of the cause by the Court. By what process shall the law of the case be settled? Shall it be decided in conformity to a principle established in some preceding action, and because the principle has been so established? Is this not to perpetuate error? Why not pursue the course adopted in all other inquiries after truth, and allow the Judge to decide the cause on those grounds which commend themselves to his own mind? Why lay his own reason at the feet of another? What were moral, political, or any other science, if its investigations were controlled, to any extent, by such a rule? The answer is obvious. The law experiences no terror so great as that of her own minister. The great effort has been to bind him down by bonds from which he could not escape. This appears to be right, if he be unjust, for then he might upturn the system by destroying public confidence in it; and more so, if just, for then he should not be required to bear so great a burden, as would be otherwise imposed on him; and not much less so,

* When the present address was prepared, it seemed probable that some public occasion would be taken to commemorate the virtues of the deceased. This has since been done in a sermon delivered by the Rev. Dr. Boardman of the Presbyterian Church, which, I am informed, is in the course of publication. I am conferring an obligation on the professional reader, while I indulge a feeling of private friendship, by pointing his attention to that discourse, as among the highest efforts which the pulpit has made to elevate the character of the bar.

if it were possible for him to be neither, for the consequences of caprice would be scarcely less fatal than those of wrong intention. This explains and smoothes down what philosophy might otherwise stumble at; namely, that courts are frequently found conceding the unreasonableness and even absurdity of a principle, and yet determining an important controversy by re-affirming it. It is better for society, where no moral wrong is done, thus to preserve, as far as possible, the dominion of the law over the Judge, unbroken, than to relieve cases of individual hardship, however acute. If we reflect that contracts have been formed, rights acquired, and responsibilities incurred, on the faith of the past decision, we shall perceive more clearly the correctness of the course.

A subject of louder complaint has been found in the reversal of adjudged cases. Mr. Greenleaf's labors have shown that the profession has less to complain of on this score than it supposes. Conceding the number larger, how does the science of the law compare, in this respect, with other sciences, which depend either on moral or demonstrative reasoning? What would the reputation of a medical adviser be worth, who should treat disease on the principles recognized thirty years since? Who quotes in political economy at this day the writers of the last, or the beginning of the present century? In what school of morals would the doctrines of Paley, once so undisputed in their sway, be taught without qualification? In intellectual philosophy, which bounds the law on another side, and is so

interwoven with it as to render the line of boundary indistinct, the main business of each writer seems to have been, to write down whatever his immediate predecessor had advanced. Why grieve over an incident of all learning? Why make it cause of complaint, that a bench educated in a different manner from their predecessors, should not always be able to coincide in the reasoning of the latter, or that they should not themselves always entertain the same views on a subject, on which, it may be, time and experience are diffusing a valuable light?

There are immediate inducements to the study of the law which I ought not to conclude without presenting.

A common obstacle to the prosecution of intellectual pursuits is their remote bearing on the practical affairs of life. I do not advert to its effect on the general diffusion of knowledge, but on the mind of the student himself. The question is constantly recurring,—what good? Who the better of all this? How, when, where, and to what, apply this knowledge? In the study of the law, these inquiries have no place. Every principle which the student is required to comprehend has sprung from a case which has actually occurred, and which has been contested and decided. That it has occurred is sufficient reason that it may occur again. When the case does arise, it effects not an abstract question, about which men may differ in opinion, whether or not it possess any practical value, but palpable

and absolute interests, which all men acknowledge,—personal security, property, and reputation. In the acquisition of such principles, time and labor are not misspent.

The tendency of our professional pursuits to invigorate the mind is on all sides confessed. It is difficult to conceive of an educated person, without ability to furnish a plausible answer to an argument susceptible of answer, if the time and circumstances are committed to his own choice. To state at a moment's warning and with self-possession nice distinctions, on which large amounts of property depend,—to present objections which shall bear the scrutiny of a court, and a year afterwards, of an appellate tribunal, and to state all the objections,—to answer ingenious argument in a fiftieth of the time which it has taken to construct it and to answer it correctly, demand a training which it may be safely affirmed, no other profession is capable of imparting. Its effects have been witnessed in other professions, which legal talent has gone to adorn. The splendor it has diffused in deliberative assemblies has commanded general admiration. How inferior that toil which, while it brings the largest immediate fruits, imparts no necessary increase of power and no capacity for higher effort!

The study of the law opens to the student a vast expanse of literature, almost untraversed by others. Some degree of proficiency in intellectual philosophy is justly considered a part of a finished education. We are conducted to the investigation of moral and

theological sciences, by the imperative personal claims which they have upon us. The excellence of our legal literature is known only to the student of law. Any well-read lawyer might confidently challenge the production, from any other department of literature, of performances which should excel in all the qualities of a vigorous, perspicuous, and elegant expression of thought, those which the records of our judicial proceedings contain. Why should not the man perform it well who writes or speaks to be read through all time and wherever law shall be administered; to furnish the guide for important contracts; to defy elaborate critical review before his own eyes, and before a court, whose right it is to differ from him; to lay the foundation of future decision; to illumine the page of philosophic disquisition? What would the scholar have? Would he have forcible argument? There are all the labours of English and American judges. Would he have profound learning and subtlety? There are Coke and Eldon. The highest accomplishments, decorating the extreme of professional skill? There are Eskine and Romilly. Clear, polished, and attractive exposition? There are Blackstone and Kent.—The chief glory of a country is its literature. The highest intellectual attainment is made in the pursuits of literature. The most effective and permanent power is the power of the pen. Where are now the contemporaries of Coke, who assisted to bring that great intellect to its perfection? Yet doth his genius blaze, through the gloom of centuries, with undiminished lustre.—

The highest boast of the law is its literature. Let us study it, gentlemen. It is a large repository of human wisdom. It is a profound commentary on human nature. It is a true history of human progress. To ourselves it opens the only road to usefulness; to our clients it gives the only assurance of safety; to our profession it supplies the only hope of elevation.